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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA

*versus*

LAWRENCE ALLEN DESHETLER

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CASE NO. 1:17-CR-00073-MAC

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the court is the Defendant, Lawrence Allen Deshetler’s, *Pro Se Motion for Relief of Increased Restitution* (Doc. #25). The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. Judge Hawthorn concluded that the Government established that the treasury administrative offset (“TOP”) of Deshetler’s Social Security benefits to satisfy his restitution obligation is proper, and Deshetler could not advance a viable theory to the contrary. Accordingly, Judge Hawthorn issued a report that recommended denying the motion. (Doc. #29.)

Deshetler filed timely objections to Judge Hawthorn’s report. (Doc. #30.) He argues that he never received the TOP notice sent by the Government and followed his probation officer’s instruction to “pay what [he] was told.” (Dkt. #30.) The Government responded that although notice of the TOP offset was mailed to his last known address, it was returned as “not deliverable as addressed—unable to forward,” and it was Deshetler’s responsibility to update the court of his current address. (Dkt. #32.) The Government further claims that Deshetler does not dispute receiving notice that up to 15% of his benefits would be “taken to be applied to his outstanding

debt,” and that he “failed to articulate any valid reason that his inclusion in the TOP is invalid or should otherwise cease.” (*Id.*)

Deshetler’s objection requires a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which his objection is made. 28 U.S.C. § 636(b)(1)(C). After conducting a *de novo* review, the court concludes that the magistrate judge’s findings, conclusions, and analysis are correct. Judge Hawthorn properly concluded that the Government established that the administrative offset of Deshetler’s Social Security benefits to satisfy his restitution obligation is proper, and the Defendant has failed to advance any viable theory to the contrary. Accordingly, Deshetler’s objections are **OVERRULED**, and the report of the magistrate judge is **ADOPTED**. It is further

**ORDERED** that the Defendant’s *Pro Se Motion Relief of Increased Restitution* (Doc. #25) is **DENIED**.

SIGNED at Beaumont, Texas, this 12th day of December, 2023.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE